

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
)
Plaintiff,) 8:02CR235
)
vs.) ORDER
)
WILBER VALLE,)
)
Defendant.)

This matter is before the court on the Petition for Action on Conditions of Pretrial Release (Filing No. 21). On September 4, 2002, defendant Wilber Valle (Valle), was ordered released upon conditions pending trial (Filing No. 4). Valle was to reside in Milan, Illinois, in the Central District of Illinois, and comply with other conditions of release. On January 7, 2003, Pretrial Services Officer Jennifer (Meyerink) Iverson submitted a Petition for Action on Conditions of Pretrial Release alleging Valle had violated the conditions of his release by failing to report to his Pretrial Services officer in Rock Island, Illinois, failing to reside at his residence, and failing to appear at the Riverside Substance Abuse Treatment aftercare program as directed. A warrant for Valle's arrest was issued.

Valle was arrested in the Central District of California on December 8, 2006. He appeared before a U.S. Magistrate in the Central District of California on December 8, 2006, while he was in California state custody on a conviction for the possession of marijuana for sale. Valle was ordered detained and transferred to the District of Nebraska upon completion of the California sentence.

Valle appeared before the undersigned magistrate judge on April 24, 2007. He was represented by retained counsel, P. Stephen Potter, and the United States was represented by Assistant U.S. Attorney Kimberly C. Bunjer. After being advised of the nature of the allegations, his rights, and the consequences if the allegations were found to be true, Valle admitted the allegations. The court finds such allegations of the petition to be generally true and finds the defendant has violated the conditions of his release.

The court took judicial notice of a Violation Report from Pretrial Services. After providing both parties an opportunity for allocution as to disposition and considering the report of Pretrial Services, I find the Order Setting Conditions of Release should be

revoked. Due to Valle's fugitive status for over four years, I find Valle is unlikely to abide by conditions of release and there is no condition or combination of conditions that would reasonably assure Valle's presence for further proceedings or the safety of the community in the event he were released upon conditions.

IT IS ORDERED:

1. The Petition For Action on Conditions of Pretrial Release (Filing No. 21) is granted.
2. The September 4, 2002 Order Setting Conditions of Release of Wilber Valle (Filing No. 4) is hereby revoked.
3. The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 24th day of April, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge